

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Pursuant to the authority of Iowa Code section 217.6, the Department of Human Services amends Chapter 177, "In-Home Health Related Care," Iowa Administrative Code.

This amendment provides that an advanced registered nurse practitioner or a physician assistant working under the direction of a physician may certify a prospective care provider's ability to provide services under the State Supplementary Assistance in-home health related care program. Currently, the rules provide that the certification must be made by a physician. To prevent a conflict of interest, the amendment also provides that if the provider is working for an agency, the health practitioner who provides the certification may not be in the employ of the same agency.

This amendment does not provide for waivers in specified situations. Requests for the waiver of any rule may be submitted under the Department's general rule on exceptions at 441—1.8(17A,217).

Notice of Intended Action on this amendment was published in the Iowa Administrative Bulletin on April 21, 2010, as **ARC 8690B**. The Department received two comments on the Notice of Intended Action clarifying that Iowa law does not require advanced registered nurse practitioners to work under the supervision of a physician. In response to these comments, the Department has revised the first sentence of paragraph 177.5(2)"a" to read as follows: "The certification shall be based on an examination performed by a physician or advanced registered nurse practitioner or by a physician assistant who is working under the direction of a physician."

The Council on Human Services adopted this amendment on June 9, 2010.

This amendment is intended to implement Iowa Code section 249.3(2)"a"(2).

This amendment shall become effective on September 1, 2010.

The following amendment is adopted.

Amend subrule 177.5(2) as follows:

177.5(2) *Physician's report Health assessment.* ~~The provider shall obtain a physician's report at the time service is initiated and annually thereafter. The report shall be on Form 470-0672, Provider Health Assessment.~~ The provider shall obtain certification that the provider is physically and emotionally capable of providing assistance to another person who may have physical and emotional limitations.

a. The certification shall be based on an examination performed by a physician or advanced registered nurse practitioner or by a physician assistant who is working under the direction of a physician. If the provider works for an agency, the practitioner performing the examination may not be employed by the same agency.

b. The practitioner conducting the examination shall indicate the certification by signing Form 470-0672, Provider Health Assessment.

c. The certification shall be submitted to the department service worker:

(1) Before the provider agreement is signed, and

(2) Annually thereafter.

[Filed 6/11/10, effective 9/1/10]

[Published 6/30/10]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/30/10.